

BOARD OF FORESTRY AND FIRE PROTECTION

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BOARD OF FORESTRY AND FIRE PROTECTION AND FISH AND GAME COMMISSION JOINT MEETING MAY 2, 2006

Lake Tahoe, CA

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
David Nawi
Pam Giacomini
Jim Ostrowski
Bruce Saito
Ron Nehring
Mark Bosetti
Gary Ryneearson

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Chris Zimny, Regulations Coordinator
Laura Estrada, Staff Services Analyst
Carol Horn, Executive Assistant

DEPARTMENTAL STAFF:

Bill Snyder, Deputy Director for Resource Management
Duane Shintaku, Assistant Deputy Director, Forest Practice
Dennis Hall, Staff Chief, Forest Practice
Giny Chandler, Department Counsel
Wayne Mitchell, Asst. Deputy Director, Fire Protection

COMMISSION MEMBERS PRESENT: Jim Kellogg
Michael Flores
Bob Hattoy
Richard B. Rogers
Cindy Gustafson

COMMISSION STAFF PRESENT: John Carlson, Jr. Executive Director
Jon Fischer, Assistant Executive Director
Adrianna Shea, Special Assistant
Sherry Colwart,

FISH AND GAME DEPARTMENT STAFF:
Sonke Mastrup
Banky Curtis
Ryan Broderick, Director

CALL TO ORDER

Commissioner Bob Hattoy, of the Fish and Game Commission called the Commission to order and introduced the Commission Members. Commissioner Jim Kellogg welcomed everyone to the Joint meeting.

Mr. Stan Dixon, Chairman of the Board of Forestry and Fire Protection called the Board to order and introduced Board Members.

Mr. Hattoy introduced Mr. Ron Treabess, representing North Lake Tahoe Resort Association. Mr. Treabess also on the Lake Tahoe City Board of Directors, Public Utilities District,, and Sierra Parks Foundation. Mr. Treabess welcomed the Board and Commission to North Lake Tahoe. Mr. Treabess reported statistics and facts of Lake Tahoe. Mr. Treabess is interested in environmental stewardship. The North Lake Tahoe area needs to have clean and clear water, abundance of plant and wildlife, great open spaces, and lake access for recreational endeavors. This area also needs to maintain improved water clarity and fish habitat. Mr. Treabess works with and advises 73 state, federal, and local agencies, which, are responsible for making decisions for the North Lake Tahoe area. North Lake Tahoe is working on a 20-year plan to develop what will happen for the Lake Tahoe Basin in the next 20 years.

REPORT OF THE RESOURCES AGENCY

Resources Agency Secretary Mike Chrisman was pleased to see the joint meetings continue, and to see staffs work closely together. The Secretary stated that such cooperation is critical to achieving our mission. Secretary Chrisman previously served on the Fish and Game Commission. Secretary Chrisman introduced Mr. Crawford Tuttle, previously from the Resources Agency, who has been appointed as Chief Deputy Director for the Department of Forestry and Fire Protection. Mr. Tuttle will work on the Roadless Policy. Secretary Chrisman reported significant strides have been made on the Roadless Policy, which is a very big issue.

The Coho Listing is in place; a law suit is in place also. There are challenges on the Klamath. Klamath Falls needs to recognize the efforts of the whole river system. We need to manage salmon and prevent die-offs. Other big issues are creating the Sierra Conservancy in California. The Conservancy will have strong local government impact. The Conservancy has 13 members, six are elected officials. The Sierra

Conservancy covers 22 counties and is the largest conservancy in the nation. The Conservancy will be conducting public workshops. Secretary Chrisman encourages those who live the areas become engaged in workshops which look at the strategic plan. Secretary Chrisman announced that Mr. Patrick Wright has been named the Executive Officer for the California Tahoe Conservancy.

Commissioner Cindy Gustafson asked Secretary Chrisman about progress on the budget.

Secretary Chrisman is optimistic the budget will be better this year. Revenues are significantly higher than what the Resources Agency had anticipated.

Member Nawi thanked Secretary Chrisman for his letter commending the Board and Commission working together.

Mr. Richard Gienger is worried about the partnerships. Mr. Gienger feels the need for a Blue Ribbon Panel to work on a full-time basis on Coho recovery.

REPORT OF THE DIRECTOR, CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Mr. Crawford Tuttle, Chief Deputy Director for CDF, introduced himself. Mr. Tuttle looks forward to working with the Board and Commission.

Mr. Bill Snyder, Deputy Director, Resource Management, Department of Forestry and Fire Protection (CDF) reported that Mr. Ruben Grijalva had been appointed Director of CDF, and Mr. Crawford Tuttle was appointed as Chief Deputy Director. Retirements continue to be a problem for the Department. Inversion issue discussions are ongoing. People are reluctant to promote into supervisory positions with the Department. CDF has a 50% vacancy rate. Fifty percent of the unit chiefs are new appointments. The Department of Finance signed a CDF deficiency request. An agreement has been reached with the Department of Fish and Game for interdepartmental training. The Agency is looking at forming a committee on Coho and water quality. The floodplains considerations document has been completed. The IMMP process is moving forward. Mr. Snyder said the Western State Foresters will meet in South Lake Tahoe next week. California Climate Action Registry and Forestry Protocols will be on the agenda.

Mr. Wayne Mitchell, Assistant Deputy Director, Fire Protection, said the Department is looking at the Incident Command Teams. The Department usually staffs ten command teams. This year they have moved to nine command teams. The Department is looking at either eight or going back to ten teams. CDF is currently in the process of putting together an inventory of retirees, who would be able to come back to work on an on-call basis to staff large incidents. Mr. Mitchell is confident that we will have the firefighting resources available for this summer.

Member Nehring asked if people were being promoted up through the ranks prematurely before they are ready for the positions.

Mr. Mitchell said this is a very important issue the Department is working on. The Department has a team looking at being promoted prematurely. The Department is looking at a mentoring team. They will not bring in unprepared people to fill assignments.

Mr. Craig Bell is happy to hear about the watershed interagency training. The Fisheries and environmental restoration communities have been urging that for about ten years. Mr. Bell asked if Regional Water Quality Board staff would be included.

Mr. Duane Shintaku, Assistant Deputy Director for Resource Management, said that Water Quality representatives are included.

REPORT OF THE DIRECTOR, CALIFORNIA DEPARTMENT OF FISH AND GAME

Mr. Ryan Broderick, Director of the California Department of Fish and Game said the long-term recovery of salmon depends on watersheds. A joint academy for Basic Post at Lone has been established. The CDF Academy had a graduation last Saturday; a combined class of CDF post officers, DFG wardens, and State Parks. There will be restricted commercial and recreational season. Efforts are being made with the CDF regarding the Coho Listing. Mr. Broderick said his department is continuing to work on solutions from a regulatory standpoint. The Department of Fish and Game received a grant from WalMart. Mr. Broderick said his Department has the same problems as CDF regarding retirements and recruitments.

Mr. Banky Curtis said the Department of Fish and Game have been working closely with CDF. He was very impressed, CDF has been open. The joint training is good, need to add some water quality people, NOAA Fisheries and the Corp of Engineers.

REPORT OF THE DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON PRE-, DURING- AND POST-FIRE ACTIVITIES AND WILDLIFE HABITAT

Mr. Chris Zimny, CDF Regulations Coordinator, referred the Board to tab 6 in their blue binder, which is an April 21, 2006 Draft Proposal for Defensible Space around Homes. This is a MOU to address wildlife protection and endangered species listings relative to some of the hazard reduction requirements that are in law and mandated by Defensible Space around homes. The wildlife proposal addresses a MOU between Fish and Wildlife and Department of Fish and Game, and Department of Forestry and Fire Protection. It is very specific, with a lot of detail in it. This MOU is already in the County of San Diego, It has been in effect since 1997. Mr. Zimny said the concept is operational and feasible. Mr. Zimny discussed components of the statewide MOU for firesafe clearance/wildlife. The key component of the MOU relationship is notification by wildlife agencies. When an agency notifies a landowner that there is an endangered species issue, there would be suggested ways to mitigate that. The MOU talks about biological opinions needed.

Member Nehring thanked the Board for coming to San Diego to see the state of recovery of areas affected by the Cedar Fire. Member Nehring said the Board can create proper rules, but that doesn't always get down to the end user. The Board needs to communicate to the casual landowner to see if they understand the various rules and regulations.

Member Giacomini said this is an opportunity to address fuels management on state lands.

Member Ryneanson asked how good of job has the Department done educating local agencies of the law. The law has been in effect since January 2005. The law pre-empts local standards.

Chairman Dixon anticipates this being referred to RPC.

Member Nawi said page 2, section 1, the MOU authorizes the take of species listed under the state law only. On page 7, under the special terms and conditions there is a statement "it is understood by the They added the reference to CDF's and parties of the Fish and Wildlife Service that authorizes incidental taking of federal listed species, this needs clarification.

Member Ostrowski asked if in San Diego did this apply to both state and federal listed species.

Mr. Zimny answered yes.

Member Ostrowski asked if endangered species were hindering the application of fire clearance rules statewide.

Mr. Zimny suggested remanding this to Board Committee to work with Marty Berbach.

Member Bosetti agreed that the RPC would be the place to review and refine.

Chairman referred this topic to RPC, and if necessary, the full board.

PUBLIC COMMENT

Mr. Walt Mansell, representing the California Rifle and pistol association, said he lives in the wildlands on a small ranch. Mr. Mansell agrees with Director Broderick that this should apply statewide without a study. He believes it is every landowner's responsibility to make their homes as firesafe as possible. Mr. Mansell asked if this will apply to state parks.

Mr. Jodi Freidani, representing Santa Cruz Forest Management, understood that amendments to 4291 were brought about by actions by the insurance industry. Ms. Freidani said some insurance companies are doing flyovers and threatening to cancel insurance. She is concerned when she sees something like this for statewide. Too much clearing can cause flooding in the Santa Cruz area. What was appropriate for San Diego might not be appropriate for the North Coast.

REPORT BY THE DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON HARDWOODS

Mr. Eric Huff, Assistant Executive Officer, said it is generally agreed that it is time again to reach out to local governments dealing with hardwood issues to remind them of the existence of the Joint Hardwood Policy. The Board and Commission approved the joint letter, drafted and posted in December 2005 to 41 California Counties. The letter reinforced state support mechanisms available to counties. The letter also requested, in the interest of continuing dialogue, that counties provide the Board and Commission with copies of County Oak Woodland Conservation Plans and/or local hardwood related resolutions. To date, four counties have provided materials (Tehama, Madera, Monterey, and Santa Cruz). Assistant Executive Officer Huff said the next step is to do more outreach to counties who did not respond. Mr. Huff anticipates making phone calls over the summer.

REPORT BY THE DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON PACIFIC SALMON AND ANADROMOUS TROUT. REPORT BY DEPARTMENT OF FISH AND GAME ON THE COHO SALMON RECOVERY STRATEGY

Ms. Gail Newton, Team Leader for the Coho Recovery Strategy, Department of Fish and Game, introduced other Team Members for the Coho Recovery Strategy: Michele Dias, from CFA, and her alternate Peter Ribar; Craig Bell, Sierra Club, and his alternate Richard Gienger; Duane Shintaku from CDF, Pam Giacomini, emeritus, and Charlotte Ambrose from NOAA Fisheries. The Team met on March 28 in Santa Rosa. Members shared information on their progress, implementation, and strategy. The Team would like to give an extra point for the Fish and Restoration Grant Program for proposals that will

address a high priority task in a high priority watershed. Using that strategy, about 13% of projects which were funded last year did just that. They are organizing Ad Hoc Committees as part of the Recovery Team to deal with large, overarching issues. Some Committees have made progress; they are: Large Woody Debris Staff; Management (looks at banking or programmatic solutions); Land Management and Conversion (looking at minimizing ag land conversion and timberland conversion). Developing the recovery strategy is a 12-18 month process. It is a working document, which will need improvement. There is a section of the Recovery Strategy in Section 12.12 that says that while the Fish and Game Code is silent in regard to updating the Coho Recovery Strategy which was adopted, they will go back to the Recovery Team with proposed modifications and updates and recommendations. The Department made some suggested changes to the recommendations. As of yesterday, Ms. Newton had received votes from only 8 of their 20 voting members. Another thing Ms. Newton spoke about, which was highlighted in the Recovery Strategy, was the fish passage issue. Ms. Newton gave Board and Commission members a cd, which was a cooperative product, which looks at fish passages issues and what to remediate.

Ms. Newton reviewed the modified policy, which was coordinated with the Department of Fish and Game, CDF, and Board Staff. One change in the policy was that they changed steelhead to anadromous rainbow trout. They updated the listing status, and they updated direction to the Departments.

Richard Gienger commented on the timber management measures adopted in 2004. The first ten sections were adopted by the Commission. They repeat a lot of issues that were brought up; such as, cumulative impacts, programmatic processes, working together, accurate documentation, and monitoring. One thing that the Recovery Strategy hits on is Section 12 to acquire conservation easements and land and deed title from willing landowners to protect Coho habitat. The Coho Team is a building block for the oversight panel to make recommendations on the issues. Mr. Gienger encourages a similar, expanded Recovery Team Concept be taken on.

Ms. Newton said what Mr. Gienger is referring to are the recommendations put forth asking for acquisition language to be added to the strategy. During the development of the strategy, acquisition was against the policy of some of the landowner groups and therefore it would not make it a consensus agreement. The way the Team represented this in the document was they retained acquisition or conservation easements at the range-wide scale as a tool in their toolbox to use when appropriate. They did not put it specifically at a watershed scale where it would actually be of major concern to landowners. It is not represented at the watershed scale.

Member Giacomini said Ms. Newton is right on why it was set up that way range-wide vs. a specific watershed. They didn't want certain landowners to feel like they were targeted.

Member Nawi said item 4 of the specific policy, item a reads "administer CDF programs consistent with the policy statement". Member Nawi thinks this is an appropriate "catch all statement"; however, that statement is not there from the Commission to the Department of Fish and Game. Member Nawi believes the statement should be added.

Ms. Newton agrees with Member Nawi.

Mr. Bill Snyder said CDF is comfortable with changes made, will move us forward on what we should do on Coho.

Member Ostrowski said some points were brought up in regard to assessment programs and additional programs. Mr. Ostrowski asked if funding been allocated.

Mr. Snyder said there was no direct funding for some of these programs. Mr. Snyder doesn't anticipate a bundle of funding over what they have. CDF will deal with this internally. We can and will move forward with this by redirecting staff.

Member Rynearson doesn't see anything in the document that specifically encourages long-term landscape-based planning documents. Member Rynearson said to add another sentence with more specific language in 2c.

PUBLIC COMMENT

Mr. Craig Bell gave a brief history on Coho issue. It has been 12 years since commercial fisherman have been able to harvest Coho. It has been ten years since sport fisherman have been able to harvest Coho. Watersheds, such as the Eel, were once one of the top three producers of salmon and steelhead. Mr. Bell said to extend the T and I Rules and move to adopt the 2112 Rules in a timely manner. Mr. Bell has concerns of efforts to reduce riparian standards as a motive for review of the T and I Rules. Buffers probably need to be improved to decrease relative air temperature and increase relative humidity. To get Coho salmon back the phrase "restoration of the cold water fishery" needs to be used. Mr. Bell said if the Board of Forestry does not protect water quality and restoration, the water quality board will step in.

Mr. Paul Mason, representing the Sierra Club, had comments on the joint policy. Mr. Mason does not agree with Member Giacomini about the last clause that artificial production of salmonids cannot be considered mitigation. They cannot damage the population and simply plant some artificial fish as a mitigation, that just enables a cycles where we just have hatcheries, and have lost all meaningful habitat. Mr. Mason agrees with Member Rynearson that it makes sense to put a recovery plan in as well. Is there a reason why federal requirements have not been addressed as well under the Federal Endangered Species Act.

Mr. Jeff Shellito, Government Affairs Manager for CalTrout, said the T and I Rules need to be renewed without delay based on the foundation that that plan was based on. The Department needs to move on the adoption of 2112 Regulations. It has been two years since the Commission adopted that strategy and listing. Mr. Shellito feels two years is long enough, and it needs to go beyond the informal process, and a timetable needs to be developed, and a schedule starts the process with 2112 in place. As Mr. Bell said, it is fundamentally unfair both commercial and recreational has been banned for more than twelve years. Mr. Shellito said some of the underlying causes have not been addressed causing the decline of the species. Mr. Shellito is happy to see that policy endorses the continuation of SB 271 process. Mr. Shellito is working with Senator Chesbro on SB 1125, which would provide \$30 million to deal with Fish and Game's structural problems in marine resources, as well as \$10 million in salmon restoration.

Mr. Richard Gienger said the one thing that is not being addressed is programmatic approaches. The weakest part of the Forest Practice Rules is an inadequate cumulative impact process. Mr. Gienger referred to a letter he distributed to Board and Commission Members. Copy attached. This is a very complicated scenario, and needs to have organized body to recognize this so it doesn't dissipate.

Ms. Jodi Frederani, Sierra Club and Citizens for a Responsible for Forest Management, suggests that impaired has to deal with three listed water bodies for impairment, on page 3. Page 7D where the language has been changed seriously – Ms. Frederani agrees with Mr. Paul Mason that consideration is a big unclear word, and she doesn't know why anadromous trout has been left out of that equation.

Ms. Addie Jacobson referred to page 6e the talk of disagreement and has a concern. Ms. Jacobson said all this does is acknowledge that there is a problem. Ms. Jacobson said maybe it should be looked

at in terms of what should be done when there is a disagreement. It should have a process in place before there is a problem.

Chairman Dixon said this issue should go back before the Forest Practice Committee tomorrow, with a date for adoption.

Member Marckwald suggested that both the Board and Commission designate one or two members to address this issue.

Ms. Shea suggested that both executive staff meet next week to prepare the documents that were proposed.

REPORT OF OTHER FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, U. S. FISH AND WILDLIFE SERVICE, AND U. S. ENVIRONMENTAL PROTECTION AGENCY

Ms. Charlotte Ambrose, National Marine Fisheries Service, said her job is to facilitate the development of recovery plans for federally-listed anadromous salmonids in California. There are four coordinators. Ms. Ambrose's has four species; they are: Northern California Steelhead, California Coast Chinook, California Coast Coho Salmon, and California Coast Steelhead. Ms. Ambrose appreciates all the work that the Department of Fish and Game has done, and looks forward working with them on the Coho Recovery. There is an aggressive timeline for the recovery plans. Ms. Ambrose said they are scheduled to finalize riparian plans for all nationally and federally listed salmonids by December 2007. They have published a federal register notice announcing their intent to prepare a recovery plan for Coho. Ms. Ambrose will work with the Department of Fish and Game on this plan. Ms. Ambrose is setting the stage for workshops in June. They have federal funding in place.

PUBLIC FORUM

Mr. Walt Mansell, California Rifle and Pistol Association, distributed a handout, "Ten Points to Ponder for Hunters". Copy attached.

Mr. Richard Gienger distributed a handout, entitled, Draft for Rules/Process for Monitoring/Tracking by "Plan" Proponents, which is a draft that covers Coho recovery, achieving performance standards, and monitoring procedures.

NEW AND UNFINISHED BUSINESS

There was nothing to report.

ADJOURNMENT

The joint meeting of the Board of Forestry and Fire Protection and the Fish and Game Commission was adjourned.

Chairman Dixon

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.